

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN M. CLARKE and SSD CLARKE
HOLDINGS, INC.,

Plaintiffs,

22-cv-1917 (PKC)

-against-

ORDER

TRIGO U.S., INC.,

Defendant.

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CASTEL, U.S.D.J.


This action was commenced on March 7, 2022, by plaintiffs Steven M. Clarke and SSD Clarke Holdings, Inc. (“SSD”) against TRIGO U.S., Inc. and its parent company, TRIGO Holdings S.A.S. The Court granted defendants’ motion to dismiss the claims against TRIGO Holdings S.A.S. but denied the motion in substantial part as to TRIGO U.S., Inc.

A little over a month after issuance of the Court’s Opinion and Order of March 10, 2023, (ECF 37), plaintiffs changed lawyers. The new lawyers now seek to amend the complaint to assert fraud claims against two new defendants and TRIGO U.S., Inc. TRIGO U.S., Inc. asserts, among other things, that the attempt is both belated and futile. TRIGO U.S., Inc. suggests that the motivation of these plaintiffs to engage in motion practice rather than discovery is because there is a counterclaim against plaintiff Clarke on a \$2 million guarantee.

The Court will allow the plaintiffs to file their motion to amend provided they do so by June 30, 2023. The Court notes that the names of the two proposed defendants are repeated multiple times in the body of the original complaint and in the Court’s Opinion and Order. Therefore, plaintiffs shall address what they have learned new since the filing of the

action that gives rise to their attempt to amend at this juncture. Defendant TRIGO U.S., Inc. may respond by July 25 and plaintiffs may reply by August 11, 2023.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 14, 2023